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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,308	03/29/2001	Usman A.K. Sorathia	82,222	7684

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Naval Surface Warfare Center
Carderock Division Headquarters
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West Bethesda, MD 20817-5700

EXAMINER

FEELY, MICHAEL J

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/822,308

Applicant(s)

SORATHIA, USMAN A.K.

Examiner

Michael J Feely

Art Unit

1712

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 27 June 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 17,19,20 remain rejected under 35 USC 102 over Day et al. (US 2001/0031350 A1) (see below).

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 7.

NOTE:

The amendment filed June 13, 2003 has been entered. Claim 18 has been canceled, leaving claims 17, 19, and 20 as pending claims. The pending claims have not been changed; therefore, they are currently written as they were when the Final Rejection was issued (Paper No. 17).

Claims 17, 19, and 20 are rejected under 35 USC 102 over Day et al. (US 2001/0031350 A1) for the reasons set forth in the Final Rejection (Paper No. 17). Applicant argues that Day et al. do not teach the claimed invention because Day et al. do not disclose "b) introducing a fire resisting agent into the barrier after said forming thereof". Applicant argues that panel 30 of Day et al. is the "barrier", and that the fire resisting agent is added to panel 30 (which includes skins 36 and 37), while it is in the closed mold. Hence, because the panel has not been removed from the mold, it does not constitute a "formed" article.

This argument is inaccurate for two reasons:

Firstly, a molded article is a "formed" article regardless of whether or not it is still in the mold or out of the mold. The purpose of a mold is to provide a shape or "form". This shape exists both during processing and after processing.

Secondly, Applicant has failed to fully consider the detailed analysis of the prior art set forth in the Final Rejection. Applicant has equated the reinforced panel 30 of Day et al. to the claimed "barrier". In section 10 of the Final Rejection, the Examiner has made it clear in the structural diagrams that the claimed "barrier" is equivalent to the "exterior/outer skin" 37 of Day et al. While in the mold, this skin undergoes some degree of "forming". In addition, this skin is a pre-made structural material; therefore, it would have been inherently "formed" or shaped to some degree during manufacturing.

Therefore, the "barrier layer" of Day et al. has been "formed" prior to introducing the fire resisting agent, and the rejection of claims 17, 19, and 20 stands.



Robert Dawson
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Technology Center 1700